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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,575	10/24/2003	Katsuya Sakaguchi	Q78019	6941

23373 7590 02/20/2007  
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WASHINGTON, DC 20037

EXAMINER
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KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/691,575	SAKAGUCHI, KATSUYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wesley L. Kim	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to Amendment filed 12/13/06.

- Claims 1-3, 5-7, and 10 are currently amended.
- Claims 4 and 11-12 are cancelled.
- Claims 8-9 are in their original form.
- Claims 1-3 and 5-10 are pending in the current Office Action.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3 and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites a "light emitting space", which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. The examiner is unclear of what the light emitting space is and cannot find any support for it in the specification. If the examiner is mistaken and there is support in the specification, please provide the Pages and lines where the support can be found.

Claim 7 recites a "light emitting diode of a flat surface emitting type", which is not described in the specification. If the examiner is mistaken and there is support in the specification, please provide the Pages and lines where the support can be found.

Claims 2-3, 5-6, and 8-10 are also rejected under 35 U.S.C. 112, first paragraph as being dependent on the rejected claim 1.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites a "light emitting space", and to the examiner it is unclear how the light emitting space is different from the light mixing space.

Claims 2-3 and 5-10 are also rejected under 35 U.S.C. 112, first paragraph as being dependent on the rejected claim 1.

The examiner will interpret the claims with the broadest reasonable interpretation.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicants Admitted Prior Art (Specification of 10/691575).

**Regarding Claim 1**, Applicants Admitted Prior Art teaches, a case (Fig.1B, device has a case); a light emitting space within the case (the area around Fig.1B;11, is a light emitting space); a light mixing space disposed within the case at a first side of said light emitting space and communicating with said light emitting space (Fig.1B;12, light mixing space is in the case and is at a first side of light emitting space and communicates with light emitting space); a window section formed within a portion of a surface of the case at a second side of said light mixing space which intersects said first side of said light emitting space (Fig.1B;3, window section is within a portion of a surface of the case at a second side of said light mixing space which intersects said first side of said light emitting space); and a light emitting surface disposed within said light emitting space (Fig.1B;11), wherein the light emitting surface is directed toward said light mixing space such that emitted light is directly transmitted through said first side of said light emitting space adjacent to said window section (Fig.1B;11 is directed

toward light mixing space 12 such that emitted light is directly transmitted through said first side of said light emitting space adjacent to said window section).

**Regarding Claim 2**, the Applicants Admitted Prior Art teaches the light-emitting surface is attached to the wiring board (light emitting surface 11 is attached to wiring board 2).

**Regarding Claim 3**, the Applicant Admitted Prior Art teaches the light mixing space is an oblong space (Fig.1B;12).

**Regarding Claim 5**, Applicants Admitted Prior Art teaches the light emitting surface emits at least any one of red, green, and blue light beams (Page.2, lines 14-16).

**Regarding Claim 8**, Applicants Admitted Prior Art teaches the window section is translucent (Page.3; lines 8-11).

**Regarding Claim 9**, Applicants Admitted Prior Art teaches the window section is creamy white (Page.2; lines 6-9).

**Regarding Claim 10**, Applicants Admitted Prior Art teaches the light emitting surface includes a means for emitting light when a call arrives at the portable terminal device (Page.2; lines 12-14).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (Specification of 10/691575) in view of Ariga et al (U.S. Patent 5486816).

**Regarding Claims 6 and 7**, Applicants Admitted Prior Art teaches all the limitations as recited in claim 1, however Applicants Admitted Prior Art is silent on the light emitting section is a light emitting diode of side emitting type.

Ariga teaches an LED is a side emitting type (Col.6;17-21), LEDs are well known in the art and Ariga teaches that there are side emitting LEDs.

To one of ordinary skill in the art, it would have been obvious to modify the Applicants Admitted Prior Art, such that the light emitting section is a light emitting diode of side emitting type, to provide a method where the light can be directed into a general direction without having to bend the lead terminals to mount the LED.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLK



GEORGE ENG  
SUPERVISORY PATENT EXAMINER